

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/038,585
Attorney Docket No. Q67992

REMARKS

I. Introduction

Pending claims 1-13 have been examined and are rejected. Specifically, claims 1-13 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by newly applied U.S. Patent No. 6,305,212 to Drzewiecki (hereinafter “Drzewiecki”).

Applicant traverses the rejection of claims 1-13 as follows.

II. Claim Rejections – 35 U.S.C. § 102(e)

Claim 1 is directed to a method of monitoring a proportion of a component in a gaseous mixture having at least two components and contained in an electrical switchgear enclosure. Claim 1 recites a unique combination of features, including measuring the pressure, the temperature and the density of the gas mixture using at least one sensor mounted on said enclosure.

It is respectfully submitted that Drzewiecki fails to disclose or suggest an electrical switchgear enclosure having at least one sensor mounted thereon. The Examiner, however, alleges that Drzewiecki discloses the recited electrical switchgear enclosure as unit 25 of Fig. 5A (Office Action: page 2).

To the contrary, unit 25 is a temperature sensor for providing a voltage proportional to an ambient gas temperature (Drzewiecki: col. 15, lines 51-55; and Fig. 5A). The temperature sensor 25 is located before a supply nozzle 12 of an oscillator flowmeter 14 (Drzewiecki: col. 15, lines 36-39; and Fig. 5A).

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Neither temperature sensor 25 nor oscillator flowmeter 14 corresponds to the recited electrical switchgear enclosure. Indeed, Drzewiecki is clearly directed to monitoring a flowing medium (*e.g.*, gases exhaled from a person) and not to any on-site monitoring of an electrical switchgear enclosure (Drzewiecki: col. 15, lines 40-42; Fig. 5A; and claims 1-5).

Furthermore, for the sake of argument alone, even if the oscillator flowmeter could be viewed as an electrical switchgear enclosure, which it cannot, the oscillator flowmeter does not have at least one sensor mounted thereon for measuring the pressure, the temperature and the density of the gas mixture. Indeed, Drzewiecki clearly describes that the pressure of the gas sample is measured by a pressure sensor 21 prior to entering the oscillator flowmeter 14 (Drzewiecki: col. 15, lines 45-48; and Fig. 5A). As shown in Fig. 5A of Drzewiecki, pressure sensor 21 (P_{AMB}) is not mounted on the oscillator flowmeter 14. Thus, Drzewiecki fails to disclose or suggest at least one sensor mounted on the electrical switchgear enclosure for measuring the pressure, the temperature and the density of the gas mixture.

Further still, Drzewiecki describes that the density of the individual gases are calculated by a microprocessor 13 based on the measured temperature and pressure (Drzewiecki: col. 15, lines 51-60). Thus, Drzewiecki fails to disclose or suggest at least one sensor mounted on the electrical switchgear enclosure for measuring the pressure, the temperature and the density of the gas mixture.

Similarly, the gas identifier 123 illustrated in Fig. 11A of Drzewiecki does not correspond to an electrical switchgear enclosure and does not disclose at least one sensor for

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/038,585
Attorney Docket No. Q67992

measuring the pressure, the temperature and the density of the gas mixture. Indeed, in the gas identifier 123 of Fig. 11A, the density of the gas is not measured at all but is instead calculated by a processor 130 (Drzewiecki: col. 29, lines 27-33; and Fig. 11A).

Additionally, claim 1 recites determining the proportion of the component by processing the measured values in a data-processing unit, so as to enable the mixture to be monitored non-intrusively.

It is respectfully submitted that Drzewiecki fails to disclose or suggest determining the proportion of a component of the gas mixture by processing measured values of pressure, temperature and density (of the gas mixture), as to enable the mixture to be monitored non-intrusively.

The Examiner, however, alleges that Drzewiecki discloses the non-intrusive monitoring of a gas mixture as units 25 and 16 of Fig. 5A (Office Action: page 2). To the contrary, as noted above, unit 25 is a temperature sensor for providing a voltage proportional to an ambient gas temperature (Drzewiecki: col. 15, lines 51-55; and Fig. 5A). Unit 16 is a capillary resistor into which the sample of the gas mixture flows, such that the pressure at both ends 29 and 30 of the capillary is measured and a corresponding output voltage is transmitted to the microprocessor 13 (Drzewiecki: col. 16, lines 7-13; and Fig. 5A).

Thus, neither the temperature sensor 15 nor the capillary resistor 16 relate to the non-intrusive monitoring of the gas mixture. Instead, Drzewiecki clearly describes an intrusive monitoring technique. In Drzewiecki, a portion of a gas mixture (*e.g.*, a gas respiration from a

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person) is diverted as a gas sample, for example, though side stream sampling port 19 (Drzewiecki: col. 15, lines 40-42; and Fig. 5A). This sample gas must be driven as a flow through the sensors (Drzewiecki: col. 16, lines 19-25; and claims 1-5). Thus, the gas mixture of Drzewiecki, which is not contained in an electrical switchgear enclosure, must intrusively be sampled in order to perform the measurements thereon.

In view of the above, claim 1 is not anticipated by Drzewiecki. Consequently, claims 2-3 and 7-9 are not anticipated by Drzewiecki at least by virtue of their dependency.

Claims 4-6 and 10-13 recite features similar to those found in claim 1. Thus, claims 4-6 and 10-13 are not anticipated by Drzewiecki at least based on a rationale analogous to that set forth above for claim 1.

III. New Claim 14

Applicant adds new claim 14 which recites that “said gaseous mixture acts as an insulation gas in the electrical switchgear.”

It is respectfully submitted that new claim 14 is patentable at least by virtue of its dependency.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/038,585
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